

MISSOURI COURT OF APPEALS WESTERN DISTRICT

STATE OF MISSOURI,

Appellant,

v.

CHRISTOPHER P. HUMBLE,

Respondent.

DOCKET NUMBER WD78413

Date: November 3, 2015

Appeal from:
Callaway County Circuit Court
The Honorable Gary M. Oxenhandler, Judge

Appellate Judges:
Division Two: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and James E. Welsh, Judges

Attorneys:
Andrew C. Hooper, Jefferson City, MO for appellant.
Margaret Mueller Johnston Columbia, MO for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

v.

CHRISTOPHER P. HUMBLE,

Appellant,

Respondent.

WD78413

Callaway County

Before Division Two: Mark D. Pfeiffer, Presiding Judge, Lisa White Hardwick and James E. Welsh, Judges

The State appeals the circuit court's grant of Christopher Humble's motion to suppress evidence obtained during a warrantless search of his vehicle. The State contends the court erred in suppressing evidence found in the trunk because the search was justified as a search incident to a lawful arrest. The State further asserts that the search of the trunk was valid under the automobile exception to the warrant requirement.

AFFIRMED.

Division Two holds: The State bears the burden of demonstrating that a motion to suppress should be denied. Because the State produced no evidence to establish a reasonable belief that more evidence of the crime for which Humble was arrested could be found in the trunk, the State failed to demonstrate that the search of the trunk was a valid search incident to a lawful arrest. Moreover, the State only had probable cause to believe that contraband was contained within the center console of the vehicle. The

State failed to demonstrate how discovery of contraband in the center console would cause a reasonably prudent person to believe that contraband could be found in the trunk of the vehicle. The circuit court did not abuse its discretion in entering its suppression order.

Opinion by: Lisa White Hardwick, Judge

November 3, 2015

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